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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,266	11/27/2001	Frederic Bauchot	FR920000062US1	1319

30449 7590 11/29/2010  
SCHMEISER, OLSEN & WATTS  
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LATHAM, NY 12110

EXAMINER
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HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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11/29/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/995,266	<b>Applicant(s)</b> BAUCHOT, FREDERIC	
	<b>Examiner</b> DOUG HUTTON	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on BPAI Decision dated 11/08/2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 7-24 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/27/2010 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

***Decision by Board of Patent Appeals and Interferences***

On November 8, 2010, the BPAI reversed the rejections previously set forth by the examiner. The reversal of the examiner's rejections brings this case up for immediate action.

This case has been transferred or assigned to an examiner other than the one who rejected the claims leading to the appeal. The second examiner will give full faith and credit to the prior examiner's search.

**Quayle Action**

This application is in condition for allowance except for the following formal matters: the objections to the Specification and Drawings, as outlined below.

***Specification***

The disclosure is objected to because of the following informalities:

- The term "rectangle" on Page 3 should be amended to – rectangle – so that the term is spelled correctly.
- The term "ouput" on Page 4 should be amended to – output – so that the term is spelled correctly.
- The sentence "All the other cells within the left column are left empty as no measurement information is available to fill them" on Page 17 (the last sentence on the page) should be amended to — All the other cells within the ~~left~~right

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column are left empty as no measurement information is available to fill them — so that it corresponds with what is illustrated in Figure 3A. That is, in Figure 3A, many cells in the right column are left empty.

Appropriate correction is required.

### ***Drawings***

Figure 3B should be designated by a legend such as — PRIOR ART — because only that which is old is illustrated. See MPEP § 608.02(g). The examiner notes that the Specification expressly states:

“By using **conventional** means for filling the rightmost column of the table (such as the ‘Fill by example’ tool available with the Lotus Corporation 1-2-3 spreadsheet), the spreadsheet user gets a result as depicted in FIG 3B” (emphasis added).

See *Specification* -- Page 18, first partial paragraph, second sentence.

The drawings are objected to because Figures 3C and 3D do not correspond to the description in the Specification. The Specification expressly states:

Furthermore the FIG 3D shows how a preferred embodiment of the present invention reacts upon the introduction of a new sample. The conventional means such as the fill-by-example operation do not react to

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the introduction of a new sample; or to the modification of an existing sample or to the deletion of an existing sample. The present invention dynamically updates the filled values within the range of cells as soon as a sample value is either added, or changed, or deleted. In the example of FIG 3D, a new sample (the middle cell in the table corresponding to  $x = 75$ ) is introduced: its measured value -10 supersedes the previous ones -4 which was obtained by the fill-by-sample operation. As a result, the values of the neighbour cells are updated to take into account the new sample."

See *Specification* -- Page 19, first partial paragraph, third through seventh sentences.

For purposes of discussion, the examiner interprets Figure 3C to correspond to the "previous" sample values and Figure 3D to correspond to the "new" sample values.

Figures 3C and 3D do not correspond to the description in the Specification because: 1) in the table displayed in Figure 3C, the "previous" sample value for  $x=75$  is -5 (not -4); 2) in the table displayed in Figure 3D, the "new" sample value for  $x=75$  is -5 (not -10); and 3) in the table displayed in Figure 3D, many of the "new" sample values are incorrect and do not match the corresponding points in the graph (because it appears that the table displayed in Figure 3C was simply copied and pasted into Figure 3D without properly updating the "new" sample values).

Applicant must amend Figures 3C and 3D to correspond with the Specification.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the “Fill by Sample” field in the list box of the “Fill” dialog box, as described in the Specification (see *Specification* -- Page 22, first partial paragraph, second sentence). See Figure 5B, where it appears that the “Fill by Sample” option (element #511) does not include the proper text (i.e., Fill by Sample) in the highlighted field.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Allowable Subject Matter***

Claims 1, 2 and 7-24 are allowed.

The following is an examiner's statement of reasons for allowance:

*Claim 1:*

The prior art fails to disclose or suggest a spreadsheet program having an automatic "fill" function for "output" numbers that operates in the manner recited in Claim 1 and explained in the following discussion.

Using prior art spreadsheets, a user can manually enter values into two consecutive cells in a spreadsheet. Then, using the values in the two consecutive cells and other consecutive cells selected by the user, the spreadsheet will automatically fill the other consecutive cells with the appropriate values. In this scenario, if any of the other consecutive cells had values prior to the "fill" command, then the prior values are overwritten with the appropriate values determined by the "fill" command.

Additionally, using prior art spreadsheets, the user can manually enter a value into a single cell (i.e., the "starting" value), bring up the "Fill, Series" dialog box, indicate a "step" value and an "ending" value, and give the "fill" command. The spreadsheet will automatically fill consecutive cells (starting with the cell that is adjacent to the single cell) with the appropriate values until the "ending" value is entered into a cell. In this scenario, if any of the consecutive cells had values prior to the "fill" command, then the

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prior values are overwritten with the appropriate values determined by the “fill” command. The examiner notes that these teachings are included in the Flaherty reference (see Flaherty -- Pages 4-5, “Entering a Data Series”) and were used in the rejections set forth by the previous examiner and reversed by the BPAI.

With regard to the recited invention of Claim 1, the prior art fails to disclose or suggest the combination of limitations recited in Claim 1. Particularly, as described in the Specification at Page 17, Lines 1-24 and at Page 20, Lines 16-19, the “fill” command of the present invention involves, for a user-selected range of cells in a spreadsheet, cells including “sample values” obtained from experimentation samples, and distinguishing cells in the range that include the “sample values” from cells in the range that are “empty” (i.e., cells that have no value or have a value that is derived from the “sample values”).

Subsequently, for each “empty” cell in the range, the “fill” command automatically:

1. computes a value that is based upon a previous “sample value” with respect to the “empty” cell and a next “sample value” with respect to the “empty” cell; and
2. fills the “empty” cell with the computed value.

Finally, as noted by the BPAI, the “sample values” are already in the corresponding “sample value” cells before the range of cells is selected by the user.

The examiner notes that Claim 1 expressly recites the above inventive concepts (see Claim 1, Lines 5-8 and Lines 13-14 and Lines 17-25).



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*Claims 2 and 7-24:*

These claims are dependent upon, or incorporate the subject matter of, Claim 1 and are thus allowable.

***Conclusion***

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is 571-272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

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WDH

November 24, 2010

/DOUG HUTTON/

Supervisory Patent Examiner, Art Unit 2176